

REMARKS

DRAWINGS

Applicants have noticed that the Examiner has not indicated in the Office Action Summary (PTOL-326) whether the submitted drawings have been accepted. Applicants respectfully request the Examiner to indicate whether the drawings submitted on the filing date of the present Application were accepted or objected to by the Examiner.

CLAIMS

CLAIMS 1-8, 11-14, and 16-19; Rejections Under 35 U.S.C. § 102(e) over Heitmann

Applicants have cancelled Claims 1-5 without prejudice.

With regard to the rejections for Claims 6-8, 11-14, and 16-19, as presented in Item #3 of the non-final Office Action (dated October 31, 2007), at pages 2-4, the Examiner has restated the same remarks/arguments that were made in the non-final Office Action mailed on June 5, 2007. Therefore, the Applicants request the Examiner to refer to Applicants' Response, dated September 5, 2007, since the Applicants stand by the arguments for Claims 6-8, 11-14, and 16-19 provided in this Response. Furthermore, the Applicants maintain that Claims 6-8, 11-14, and 16-19 are allowable for at least these reasons. Consequently, the Applicants respectfully submit that Claims 6-8, 11-14, and 16-19 should be advanced to allowance.

EXAMINER'S RESPONSE TO APPLICANTS' ARGUMENTS

The Examiner has indicated that Applicants' arguments filed on September 5, 2007 have been fully considered but are not persuasive. Pages 10-13 of the last Office Action states (as lettered below):

A/. In response to the Applicants' arguments stated in the last paragraph on page 10 regarding the Examiner indicated the rejection of claims 26 and 27 *"without providing any type of argument or rationale whatsoever."* The Examiner apologizes for those missing of claims 26 and 27 in the previous examination. However, the Examiner has provided in this Office Action the references for the claims rejection.

Applicants' Response: Applicants acknowledge Examiner's apologies and have provided a response to Examiner's new arguments, as found below in the sections, REJECTION OF CLAIMS 6, 11, 19, AND 26 UNDER 35 U.S.C. § 102(e) and REJECTION OF CLAIM 27 UNDER 35 U.S.C. § 103(a).

B/. In response to the Applicants' arguments stated on pages 12-13 regarding rejection of claim 21 and new claim 30. The Applicant correct [sic] stated that Heimann [sic] fails to teach limitations recited in dependent claim 21. Therefore, claim 21 is indicated as allowable claim in above *"Allowable Subject Matter"* along with new independent claim 30.

Applicants' Response: Applicants appreciate and gratefully acknowledge the indication by the Examiner that Claims 21 and 30 contain allowable subject matter.

C/. In response to the Applicants' arguments stated on pages 13-15 regarding rejection of claims 22-24 and 31-33. Since claims 22-24 and 31-33 are dependent claims 21 and 30, respectively, claims 22-24 and 31-33 are indicated as allowable based on limitations of claims 21 and 30.

Applicants' Response: Applicants appreciate and gratefully acknowledge the indication by the Examiner that the dependent claims corresponding to independent Claims 21 and 30 are allowable.

D/. In response to the Applicants' arguments stated on page 15 regarding rejection of claim 25, see the new ground of rejection for claims 25 and 34 above.

Applicants' Response: Applicants have reviewed and responded to Examiner's new ground of rejection on page 7 of the last Office Action for Claims 25 and 3. Applicants' response to Examiner's new ground of rejection may be found in the section, REJECTION OF CLAIMS 25 AND 34 UNDER 35 U.S.C. § 103(a).

E/. In response to the Applicants' arguments stated in the first paragraph, page 17 wherein the Applicants stated as followings [sic]:

"The Applicants respectfully disagree with the Office Action's interpretation and/or characterization of the base stations (BS1 and BS2) disclosed in Heimann. [sic] Heitmann's base stations (BS1 and BS2) do not teach "a first node" and "a second node" as recited in Claim 1" because a base station is different from a node. As described and supported by the specification of the present Application, a node may comprise an endpoint or computing device (see paragraphs 06 and 19 of the present Application) ... "

The Examiner respectfully disagrees with the Applicants' arguments above. First of all, the term "node" recited in claim 1 is very broad. The node, in a telecommunications network, may comprise and read on a computer system, an appliance, a workstation, a terminal, a server, a laptop, a handheld computer, a cellular phone, a central office, a base station, a wireless access point, a mobile subscriber center (MSC), radio network controller (RNC), etc ... The Examiner

did *not* see any limitations as disclosed in paragraphs 06 and 19 to define the term "node" as required in claim 1. Therefore, in response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., a first node and a second node may comprise an endpoint or computing device such as a residential VoIP gateway) are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

Applicants' Response: Applicants would have to disagree with the Examiner on this issue because Heitmann's base stations do not teach nodes as recited in Claim 1. The term "node" is clearly described in the specification.

F/. In response to the Applicants' arguments stated in the second paragraph, page 17 wherein the Applicants stated as followings [sic]:

" .. Applicants have reviewed col.5, lines 37-40 of Heimann [sic], however nowhere do the Applicants find any disclosure of "a memory used by said processor in running and executing said NTP software program... "

The Examiner respectfully disagrees with the Applicants' arguments above. In the col.5, lines 37-40 disclosed **"... The illustrated functional components each may be in the form of software modules running on the system processor in the base station BS1 ..."** It is clearly [sic] to understand that the software modules, according to those skilled in the art, are themselves timing synchronization software packets run by the system processor. The system processor always inherently has ROM and/or RAM memories where the software packets installed and ran. Assume that there are no such ROM and RAM memories for the base station BS1. How are the software modules installed and ran? [sic]

Applicants' Response: Applicants would have to disagree with the Examiner on this issue because Heitmann does not teach or disclose "a memory used by said processor in *running and executing said NTP software program*." Nowhere does Heitmann at col. 5, lines 37-40 disclose anything about executing an NTP software program.

G/. In response to the Applicants' arguments stated in the last paragraph, page 17 to the first paragraph, page 18 wherein the Applicants stated as followings [sic]:

" .. Applicants have reviewed col.4, lines 31-44 of Heitmann [sic]; however, nowhere do the Applicants find any disclosure of "wherein said voice band data comprises fax or modem data..."

The Examiner respectfully disagrees with the Applicants' arguments above. In the col.4, lines 31-44 of Heitmann disclosed:

".. .In addition to communications devices, data processing devices also can be connected to the local area network LAN... the local area network LAN is used for transmitting not only all the communications data but also all he control data between the switching device VE...Since a local area network can be extended very easily and can be easily have further communications and/or data processing device added to it ... "

From the above phrases, the communication data (voiceband data) and control data are transmitted by data processing devices between the switch device and bases stations. The data processing devices, according to those skilled in the art, are modems. The modems are often used to transmit communication data and control data among base stations and switching device, i.e., BTC, MSC, etc.

Applicants' Response: Nowhere does Heitmann disclose or teach "voice band data" and "fax or modem data" as recited in Claim 5. Applicants request the Examiner to refrain from

Application No. 10/654,798
In Response to Office Action Mailed on October 31, 2007
Response Dated: January 31, 2008

characterizing what is recited in Heitmann, at col. 4, lines 31-44. The verbiage “all the communications data” does not teach “voice band data” as recited in Claim 5.

H/. In response to the Applicants' arguments stated on pages 17-23 in regarding to rejection of independent claims 6-19, the same responses stated in "E" through "G" for claim 1 above is applied equally to the Applicants' argument regarding to claim 6 as stated above. Also see the new group of rejection of claims 10, 15 and 20 above [sic].

Applicants' Response: Likewise, the Applicants request the Examiner to review Applicants' Responses for items E through G above.

CLAIM OBJECTIONS

Claims 2, 3, 6, 9, 11, 19, 26, 28, 29, 30, 34, and 35 were objected to because of the following informalities: each of the above claims recite a synonym “NTP” which maybe stands for “Network Termination Point,” “Network Time Protocol,” etc. For examination purposes, the Examiner has assumed that “NTP” stands for “Network Time Protocol.” The Examiner has requested that appropriate corrections be made.

The Applicants respectfully submit that Claims 2, 3, 6, 9, 11, 19, 26, 28, 29, 30, 34, and 35, as presented in the Listing of the (Amended) Claims are in condition for allowance.

REJECTION OF CLAIMS 6, 11, 19, AND 26 UNDER 35 U.S.C. § 102(e)

Claims 6, 11, 19, and 26 were rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent Application Publication No. 2003/0204756 (“Ransom”).

Independent Claim 6

Regarding Claim 6, the Office Action states:

Regarding claim 6, Ransom et al. ("Ransom") teaches a method of transmitting time sensitive data from at least a first computing device to at least a second computing device in a telecommunication system comprising synchronizing said at least first and said at least second computing devices to an NTP server (see paragraph [0122]).

See Office Action at pages 4-5.

Claim 6 recites "A method comprising: synchronizing at least a first computing device and at least a second computing device to a network time protocol (NTP) server; and transmitting voice and voice band data from said at least a first computing device to said at least a second computing device in a telecommunication system, said transmitting performed using the Internet."

The Office Action references Ransom, at paragraph [0122], which states:

In an alternate embodiment a Network Time Protocol ("NTP") or other form of time-syncing is utilized on the IED to ensure the transferred message has the correct time and to ensure that the contents of the message is derived using accurate time (i.e., interval energy data). NTP is a protocol that is used to synchronize computer or IED clock times in a network, either external or internal. Accurate time across the network is important. Distributed procedures depend on coordinated times to ensure proper sequences are followed or security mechanisms depend on coordinated times across the network. For example, a supplier may initiate a startup of two generators, each connected to an IED. In order to achieve proper startup, the first and second generator must be started in the correct order within a specified period of time. The supplier sends a command

to start the first generator at 12:00 AM and the second generator at 12:01 AM. In order to ensure the proper startup sequence is done, both the IED's must be timesynced together. As one can see, if one of the IED's has the incorrect internal time, the procedure may not occur in the correct order. Further, correct time stamping of messages is important for real time or revenue related messages. NTP typically applies to both the protocol and the client/server programs that may run on the IED. In one embodiment, the IED NTP initiates a request to the network time server, internal or external. Alternately, the IED may receive the correct time to timesync the IED from the time server via a push mechanism.

The Applicant respectfully submits that Ransom does not teach what is recited in Claim 6. For example, Ransom does not teach "transmitting voice and voice band data from said at least a first computing device to said at least a second computing device in a telecommunication system, said transmitting performed using the Internet" as recited in Claim 6. Instead, Ransom discloses synchronizing two power generators used in a power distribution system (see Figure 6 of Ransom) wherein "to achieve proper startup, the first and second generator must be started in the correct order within a specified period of time." Therefore, for at least this reason, the Office Action has not shown a teaching of what is recited in Claim 6. Thus, the Applicants respectfully submit that Claim 6 contains patentable subject matter. Unless the Examiner is able to show a teaching of each and every element, Claim 6 should be passed to allowance. Because of the foregoing arguments made with respect to independent Claim 6, Applicants may not have not commented on all of dependent Claims 7-8 and 10, but reserve the right to do so in any future response, should the need arise. Since Claims 7-8 and 10 depend on an allowable Claim 6, the Applicants respectfully submit that Claims 7-8 and 10 are also in condition for allowance.

Independent Claim 11

Regarding Claim 11, the Office Action states:

Regarding claim 11, Ransom teaches a method of transmitting time sensitive data from at least a first computing device to at least a second computing device in a communication system comprising:

requesting absolute time from an NTP server (i.e., sending a time request message to a switching device or time information server);

receiving said absolute time; and

inputting an adjustment parameter derived from said absolute time into a circuitry to synchronize said at least a first computing device to said at least second computing device (see paragraph [0122]).

See Office Action at page 5.

Claim 11 recites “A method of transmitting time sensitive data from at least a first computing device to at least a second computing device in a communication system comprising: requesting absolute time from a network time protocol (NTP) server; receiving said absolute time; and inputting an adjustment parameter derived from said absolute time into a circuitry to synchronize said at least a first computing device to said at least a second computing device.”

The Office Action references Ransom, at paragraph [0122], which was previously cited by the Examiner in his argument for Claim 6. Applicants respectfully submit that paragraph [0122] does not teach what is recited in Claim 11. For example, Ransom does not teach “inputting an adjustment parameter derived from said absolute time into a circuitry to synchronize said at least a first computing device to said at least a second computing device,” as recited in Claim 11. The Applicants request the Examiner to specifically point out how each and every element of this clause is taught by Ransom. For at least this reason, the Office Action has

not shown a teaching of what is recited in Claim 11. Thus, Claim 11 contains patentable subject matter. Consequently, the Applicants respectfully submit that the patentable subject matter in Claim 11 should be advanced to allowance. Because of the foregoing arguments made with respect to independent Claim 11, Applicants may not have not commented on all of dependent Claims 12-17, but reserve the right to do so in any future response, should the need arise. Since Claims 12-17 depend on an allowable Claim 11, the Applicants respectfully submit that Claims 12-17 are also in condition for allowance.

Independent Claim 19

Regarding Claim 19, the Office Action states:

Regarding claim 19, Ransom teaches a method of synchronizing a transmitting computing device to a receiving computing device of a packet switched telecommunication network comprising:

requesting an absolute time from an NTP server;

receiving said absolute time; and

inputting an adjustment parameter into a frequency controlling hardware of said transmitting computing device or said receiving computing device (see paragraph [0122]).

See Office Action at page 5.

Claim 19 recites “A method of synchronizing a transmitting computing device to a receiving computing device of a packet switched telecommunication network comprising: requesting an absolute time from a network time protocol (NTP) server; receiving said absolute time; and inputting an adjustment parameter into a frequency controlling hardware of said transmitting computing device or said receiving computing device.”

The Office Action references Ransom, at paragraph [0122], which was previously cited by the Examiner in his argument for Claim 6. Applicants respectfully submit that paragraph [0122] does not teach what is recited in Claim 19. For example, Ransom does not teach “inputting an adjustment parameter into a frequency controlling hardware of said transmitting computing device or said receiving computing device,” as recited in Claim 19. The Applicants request the Examiner to specifically point out how each and every element of this clause is taught by Ransom. Otherwise, the rejection should be withdrawn. For at least this reason, the Applicants believe that the Office Action has not shown a teaching of what is recited in Claim 19. Thus, the Applicants believe that Claim 19 contains patentable subject matter. Consequently, the Applicants respectfully submit that the patentable subject matter in Claim 19 should be advanced to allowance. Because of the foregoing arguments made with respect to independent Claim 19, Applicants may not have not commented on all of dependent Claims 20-25, but reserve the right to do so in any future response, should the need arise. Since Claim 25 depends on an allowable Claim 19, the Applicants respectfully submit that dependent Claim 25 is also in condition for allowance.

Independent Claim 26

Regarding Claim 26, the Office Action states:

Regarding claim 26, Ransom et al. ("Ransom") teaches a method of transmitting higher bandwidth voice band data comprising synchronizing one or more computing devices to an NTP server (see paragraphs [0084] and [0122]).

See Office Action at page 5.

Claim 26 recites "A method of transmitting higher bandwidth voice band data between a first computing device and a second computing device comprising synchronizing said first computing device to said second computing device by way of using a network time protocol (NTP) server, said synchronizing performed to improve signal to noise ratio of said voice band data received at said first computing device and said second computing device.

The Office Action references Ransom, at paragraphs [0084] and [0122]. Paragraph [0122] was previously cited by the Examiner and may be referenced in the foregoing Applicants' arguments for Claim 6. Paragraph [0084] states:

In operation, the IED monitors the power distribution system for events such as wave shape deviation, sag, swell, kWh, kVA or other power usage, consumption, or power quality events and disturbances. In one embodiment, when the IED detects an event, it processes the event and generates an email message using an email client application component for transport over the network to a back end data collection server. Raw data 330, such as the error message generated from the IED or a billing signal, is passed into the application layer's 321 Security Sub-layer 321a where it is encrypted before email protocol packaging 321h takes place. Once the data 330 has been encrypted and packaged, the message is passed through the remaining IP layers where the message is configured for transmission and sent to the destination address. In one embodiment, the destination address is for a back end server implementing a data collection application component. This back end server may be operated by the consumer or supplier of electrical power or a third party as described above. In an alternate embodiment the Security Sub-layer 321 a includes authentication or encryption, or alternately the Security Sub-layer 321a is bypassed. The application layer may include application components which implement protocols that are designed to pass through a firewall or other type of software that protects a private network coupled with a publicly accessible network. Multiple redundant data messages may be sent from the IP layer to ensure the complete data packet is

received at the destination. In the above operation, the protocol stack, which includes an SMTP or MIME enabled email client, is a scalable, commercial product such as the Eudora™ email client manufactured by Qualcomm, Inc., located in San Diego, Calif. In an alternate embodiment data messages may also be sent to redundant destination email addresses to ensure delivery of the message. Quality of Service (QoS) may also be implemented, depending on the volume of bandwidth required for the data, ensuring reliable and timely delivery of the data. QoS is based on the concept that transmission rates, error rates, and other characteristics of a network can be measured, improved and, to some extent, guaranteed in advance. QoS is a concern for continuous transmission of high-bandwidth information. The power quality events, consumption, disturbances or other usage data may be stored in the IED and sent to the destination address upon request from an application component operating at the destination address, upon pre-determined time intervals and schedules, upon pre-defined events or in real time. In an alternate embodiment a IED may transport data or requests to or receive data or requests from other IED's directly, also known as peer-to-peer communications. Peer-to-peer is a communications model in which each party or device has the same capabilities and either party or device can initiate communication sessions.

The Applicant respectfully submits that Ransom does not teach what is recited in Claim 26. Applicants do not see how paragraph [0084] teaches each and every element recited in Claim 26. For example, Ransom does not teach “said synchronizing performed to improve signal to noise ratio of said voice band data received at said first computing device and said second computing device,” as recited in Claim 26. The Applicants request the Examiner to specifically point out how each and every element of Claim 26 is taught by Ransom. Therefore, for at least this reason, the Office Action has not shown a teaching of what is recited in Claim 26. Thus, Claim 26 contains patentable subject matter. Consequently, the Applicants respectfully

submit that the patentable subject matter in Claim 26 should be advanced to allowance. Because of the foregoing arguments made with respect to independent Claim 26, Applicants may not have not commented on dependent Claim 27, but reserve the right to do so in any future response, should the need arise. Furthermore, since Claim 27 depends on an allowable Claim 26, the Applicants respectfully submit that dependent Claim 27 is also in condition for allowance.

REJECTION OF CLAIMS 10, 15, 20, 29, AND 35 UNDER 35 U.S.C. § 103(a)

Claims 10, 15, 20, 29, and 35 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Ransom in view of U.S. Patent No. 6,795,205 (“Gacek”).

Dependent Claims 10, 15, and 20

The Examiner has stated:

Regarding claims 10, 15 and 20, Ransom teaches all subject matters as claimed above, except that the computing devices comprising residential VoIP gateways. However, Gacek teaches see features in col.5, line 66 through col.6, line 16 for a purpose of providing subscribers with access to Internet.

Applicants respectfully disagree that Gacek’s invention is to simply provide subscribers with access to the Internet. Gacek’s invention deals with proving authorization for transmitting print data to a set-top box for home based printing. Furthermore, the Applicants respectfully submit that the Examiner is mistaken that Gacek teaches a “residential voice over IP gateway,” as recited in Claims 10, 15, 20, 29, and 35. Gacek does not teach anything about a “*voice over IP gateway*” as recited in Claims 10, 15, 20, 29, and 35 (emphasis denoted in italics). Rather, Gacek discloses “providing a mechanism for an internet application to obtain authorization for

the transmission of print data which is generated by the internet application over a cable network to a set-top box of a cable subscriber for subsequent *printing on the cable subscriber's printer* which is connected to the set-top box.” (emphasis denoted in italics). As stated in the title, Gacek’s field of invention concerns “Third Party Authorization for Home-Based Printing.” Nowhere in Gacek is there any teaching of a “residential voice over IP gateway”; rather, Gacek discloses printing over a “residential gateway” using a cable set-top box.

Furthermore, the Examiner improperly characterized what is disclosed in Ransom when he states that “it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the use of the features of the computing devices comprising *residential VoIP gateways*, as taught by Gacek, into view of Ransom in order to provide access [sic] to Internet from their homes.” Nowhere does Gacek disclose a “residential VoIP gateway.” Applicants request the Examiner to refrain from such characterizations in an attempt to show a teaching of what is recited in Claims 10, 15, and 20. For at least this reason, the Applicants respectfully submit that these claims contain patentable subject matter.

Additionally, the Examiner lacks a motivation to combine Ransom to Gacek. Ransom deals with “an electrical power management architecture for managing an electrical power distribution system,” while Gacek deals with “providing a mechanism for an internet application to obtain authorization for the transmission of print data which is generated by the internet application over a cable network to a set-top box of a cable subscriber for subsequent printing on the cable subscriber's printer which is connected to the set-top box.” Applicants respectfully submit that the motivation provided by the Examiner is meaningless since Ransom does not require use of the Internet from a home. Ransom discloses nothing about using the Internet from a home. Applicants respectfully submit that the Examiner has not provided a legitimate

motivation to combine the two references. Therefore, for at least this reason, Claims 10, 15, and 20 contain patentable subject matter, which should be passed to allowance.

Furthermore, based on at least the foregoing arguments with respect to the patentability of independent Claims 6, 11, and 19, the Applicants believe that the rejections of independent Claims 6, 11, and 19 under 35 U.S.C. § 102(e) as being anticipated by Ransom has been overcome; consequently, the Applicants request that the rejections to dependent Claims 10, 15, and 20 be withdrawn. Therefore, since Claims 10, 15, and 20 depend on allowable Claims 6, 11, and 19, respectively, Claims 10, 15, and 20 should be allowed. The Applicants also reserve the right to argue additional reasons beyond those set forth above to support the allowability of Claims 10, 15, and 20. The Applicants respectfully request that Claims 10, 15, and 20 be allowed.

Independent Claims 29 and 35

Regarding Claims 29 and 35, the Office Action states:

Regarding claims 29 and 35, Ransom teaches a method of synchronizing a transmitting computing device to a receiving computing device of a packet switched telecommunication network comprising the steps of receiving an absolute time from an NTP server; receiving said absolute time; and adjusting for accurate time to their clock on data transmissions (see paragraph [0122]).

It should be noticed that Ransom fails to clearly teach the feature of computing devices comprising residential VoIP gateways. However, Gacek teaches see features in col.5, line 66 through col.6, line 16 for a purpose of providing subscribers with access to Internet.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the use of the features of the computing devices comprising residential VoIP gateways, as taught by Gacek,

into view of Ransom in order to provide access to Internet from their homes.
See Office Action at page 7.

Claim 29 recites "A method of synchronizing a transmitting computing device to a receiving computing device of a packet switched telecommunication network comprising: requesting an absolute time from a network time protocol (NTP) server; receiving said absolute time; and inputting an adjustment parameter into a frequency controlling hardware of said transmitting computing device or said receiving computing device, wherein said transmitting and receiving computing devices comprise residential voice over IP gateways."

The Office Action references Ransom, at paragraph [0122], which states:

In an alternate embodiment a Network Time Protocol ("NTP") or other form of time-syncing is utilized on the IED to ensure the transferred message has the correct time and to ensure that the contents of the message is derived using accurate time (i.e., interval energy data). NTP is a protocol that is used to synchronize computer or IED clock times in a network, either external or internal. Accurate time across the network is important. Distributed procedures depend on coordinated times to ensure proper sequences are followed or security mechanisms depend on coordinated times across the network. For example, a supplier may initiate a startup of two generators, each connected to an IED. In order to achieve proper startup, the first and second generator must be started in the correct order within a specified period of time. The supplier sends a command to start the first generator at 12:00 AM and the second generator at 12:01 AM. In order to ensure the proper startup sequence is done, both the IED's must be timesynced together. As one can see, if one of the IED's has the incorrect internal time, the procedure may not occur in the correct order. Further, correct time stamping of messages is important for real time or revenue related messages. NTP typically applies to both the protocol and the client/server programs that may run

on the LED. In one embodiment, the LED NTP initiates a request to the network time server, internal or external. Alternately, the LED may receive the correct time to timesync the LED from the time server via a push mechanism.

Applicants have reviewed the foregoing passage; however, Ransom, at paragraph [0122] does not disclose “inputting an adjustment parameter into a frequency controlling hardware of said transmitting computing device or said receiving computing device, wherein said transmitting or receiving computing devices comprise residential voice over IP gateways,” as recited in Claim 29. If the Examiner wishes to maintain this rejection, he must show a teaching of each and every element recited in this claim. Otherwise, the rejection should be withdrawn. Applicants respectfully request allowance of Claim 29.

The Office Action references Gacek, at col. 5, line 66 to col. 6, line 16, which states:

The networked environment of FIG. 1 also includes DSL network 106 for providing high-speed internet access to homes 111 to 113. As depicted in FIG. 1, home users 111 to 113 may have PCs for connection to DSL network 106 for accessing internet 101, or may include other home access devices, such as a residential gateway device which acts as a local access gateway within the residence of the home to provide access to other computing devices and peripherals within the home. In a similar manner, wireless network 107 provides high-speed wireless connectivity to home users 108 to 110, and digital satellite network 125 provides high-speed connectivity to home users 119 to 121, for providing access to internet 101. As with DSL network 106, home users 108 to 110 and 119 to 121 can have PCs or residential gateways which are connected to wireless network 107 and digital satellite network 125 which act as gateways to internet 101, thereby providing internet access to home users 108 to 110 and 119 to 121, respectively.

The Applicants respectfully submit that Gacek does not teach each and every element that is recited in Claim 29. For example, Gacek does not teach “wherein said transmitting or receiving computing devices comprise residential voice over IP gateways,” as recited in Claim 29. The Examiner has improperly characterized what is disclosed in Gacek when he incorrectly states that “It should be noticed that Ransom fails to clearly teach the feature of computing devices comprising residential VoIP gateways. However, Gacek teaches see features in col.5, line 66 through col.6, line 16 for a purpose of providing subscribers with access to Internet.” Applicants respectfully submit that Gacek does not teach a “residential voice over IP gateway,” as recited in Claim 29. Therefore, for this reason alone, the Office Action has not shown a teaching of what is recited in Claim 29. Thus, Claim 29 contains patentable subject matter. Consequently, the Applicants respectfully submit that the patentable subject matter in Claim 29 should be advanced to allowance.

Claim 35 recites “A method of transmitting time sensitive data from at least a first computing device to at least a second computing device in a telecommunication system comprising synchronizing said at least first and said at least second computing devices to a network time protocol (NTP) server, wherein said at least first and said at least second computing devices comprise residential voice over IP gateways.”

For the same reasons provided in Claim 29, Applicants respectfully submit that neither Ransom nor Gacek, individually or in combination, teaches each and every element recited in Claim 35. Therefore, the Office Action has not shown a teaching of what is recited in Claim 35. Thus, Claim 35 contains patentable subject matter. Consequently, the Applicants respectfully submit that the patentable subject matter in Claim 35 should be advanced to allowance.

REJECTION OF CLAIMS 25 AND 34 UNDER 35 U.S.C. § 103(a)

Claims 25 and 34 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Ransom in view of U.S. Patent Application Publication No. 2003/0204756 ("Kallio").

Dependent Claim 25

Based on at least the foregoing arguments with respect to the patentability of independent Claim 19, the Applicants believe that the rejection of independent Claim 19 under 35 U.S.C. § 102(e) as being anticipated by Ransom has been overcome; consequently, the Applicants request that the rejection to dependent Claim 25 be withdrawn. Therefore, since Claim 25 depends on allowable Claim 19, Claim 25 should be allowed. The Applicants also reserve the right to argue additional reasons beyond those set forth above to support the allowability of Claim 25. The Applicants respectfully request that Claim 25 be allowed.

Independent Claim 34

Regarding Claim 34, the Office Action states:

Regarding claim 34, Ransom teaches a method of synchronizing a transmitting computing device to a receiving computing device of a packet switched telecommunication network comprising the steps of receiving an absolute time from an NTP server; receiving said absolute time; and adjusting for accurate time to their clock on data transmissions (see paragraph [0122]).

It should be noticed that Ransom fails to clearly teach said frequency controlling hardware comprising a numerically controlled oscillator. However, Kallio teaches such oscillator in paragraphs [0038] and [0064] for a purpose of adjusting the oscillator with accurate time.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the use of the features of the frequency controlling hardware comprising a numerically controlled oscillator, as taught by Kallio, into view of Ransom in order to adjusting the computer device with accurate time [sic]

See Office Action at page 8.

Claim 34 recites “A method of synchronizing a transmitting computing device to a receiving computing device of a packet switched telecommunication network comprising: requesting an absolute time from a network time protocol (NTP) server; receiving said absolute time; and inputting an adjustment parameter into a frequency controlling hardware of said transmitting computing device or said receiving computing device, wherein said frequency controlling hardware comprises a numerically controlled oscillator; and re-evaluating the rate of said requesting said absolute time from said network time protocol (NTP) server.”

The Office Action references Kallio, at paragraphs [0038] and [0064] which states:

The PC oscillator, from which the reference signal is obtained for the real time clock and further to the system clock 42, generally oscillates all the time either at an excessively high frequency or at an excessively low frequency. The system clock time is then most accurate immediately after the NTP adjustment. As time elapses after the NTP adjustment, the system clock tends to be fast or slow, depending on the PC oscillator frequency. The system clock will be readjusted to the correct time in connection with a subsequent NTP adjustment. The NTP computer program stores the difference between the system clock 42 time and each NTP time received from the NTP server 31, which difference is used in the NTP adjustment of the system clock 42, in a log file in the system memory as a so-called offset value. Offset values are also utilized in the method according to the invention in a manner that will be described later in this

specification.....

In other words, in the adjustment of the oscillator according to the second embodiment of the invention, a reference signal is applied to the system clock 42 from the adjustable oven stabilized crystal oscillator 44 and it is monitored how well the system clock keeps time, i.e. how well the oscillator 44 oscillates at the nominal frequency. Since the reference signal for the system clock is taken from the oscillator 44, the oscillator 44 oscillates as accurately as possible at the nominal frequency when the system clock is as accurately as possible on time. If the oscillator oscillates too fast, the system clock goes too fast, whereby the offset (=the system clock time-the NTP time) shifts in a positive direction. But if the oscillator oscillates too slowly, the system clock goes too slow, whereby the offset value shifts in a negative direction. Difference between the system clock time and the NTP time is thus examined here. Depending on whether the oscillation is too slow or too fast, the oscillator control program 53 adjusts the oscillator 44 with a DAC output voltage which makes the oscillator oscillate at a frequency which makes the absolute value of the offset between the system clock time and the NTP time approach zero, when the oscillating frequency respectively approaches the nominal frequency of the oscillator.

The Applicants respectfully submit that Kallio does not teach what is recited in Claim 34. For example, Kallio does not teach "wherein said frequency controlling hardware comprises a numerically controlled oscillator," as recited in Claim 34. Further, Kallio does not teach "re-evaluating the rate of said requesting said absolute time from said network time protocol (NTP) server." Therefore, for at least these reasons, the Office Action has not shown a teaching of what is recited in Claim 34. If the Examiner wishes to maintain this rejection, he is requested to clearly point out where within Kallio there is a teaching of each and every element recited in Claim 34. Thus, Applicants believe that Claim 34 contains patentable subject matter.

Consequently, the Applicants respectfully submit that Claim 34 should be advanced to allowance.

REJECTION OF CLAIM 27 UNDER 35 U.S.C. § 103(a)

Claim 27 was rejected under 35 U.S.C. § 103(a) as being unpatentable over Ransom in view of U.S. Patent Application Publication No. 2004/0087278 ("Lin").

Based on at least the foregoing arguments with respect to the patentability of independent Claim 26, the Applicants believe that the rejection of independent Claim 26 under 35 U.S.C. § 102(e) as being anticipated by Ransom has been overcome; consequently, the Applicants request that the rejection to dependent Claim 27 be withdrawn. Therefore, since Claim 27 depends on allowable Claim 26, Claim 27 should be allowed. The Applicants also reserve the right to argue additional reasons beyond those set forth above to support the allowability of Claim 27.

REJECTION OF CLAIM 28 UNDER 35 U.S.C. § 103(a)

Claim 28 was rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 5,450,395 ("Hostetter") in view of Ransom.

Regarding Claim 28, the Office Action states:

Regarding claim 28, Hostetter et al. ("Hostetter") teaches a method of improving the signal to noise ratio of voice band data comprising synchronizing computing devices (col.1 , lines 55-60).

It should be noticed that Hostetter fails to clearly teach the feature of syncing the computing devices to an NTP server. However, Ransom teaches such feature in paragraph [0122] for ensuring transferred messages having the correct time and their contents having accurate time.

Therefore, it would have been obvious to one of ordinary skill in the art at

the time the invention was made to incorporate the use of the feature of syncing the computing devices to an NTP server, as taught by Ransom, into view of Hostetter in order to provide accurate time to the transmitted messages.

See Office Action at page 9.

Claim 28 recites “A method of improving the signal to noise ratio of voice band data comprising synchronizing one or more computing devices to a network time protocol (NTP) server.”

The Office Action references Ransom, at paragraph [0122]. The relevant verbiage from paragraph [0122] states:

NTP is a protocol that is used to synchronize computer or IED clock times in a network, either external or internal.

The Applicant respectfully submits that Ransom does not teach what is recited in Claim 28. For example, Ransom does not teach “synchronizing one or more computing devices to a network time protocol (NTP) server,” as recited in Claim 28. The above passage from [0122] does not disclose a “network time protocol (NTP) server,” as recited in Claim 28. Therefore, for this reason alone, the Office Action has not shown a teaching of each and every element recited in Claim 28. Thus, Claim 28 contains patentable subject matter. Consequently, the Applicants respectfully submit that Claim 28 should be advanced to allowance.

ALLOWABLE SUBJECT MATTER

Claims 30-33

The Examiner has also indicated that Claims 30-33 would be allowable if rewritten or amended to overcome the objection(s) as set forth in this Office Action. The Applicants have provided a clarifying amendment for independent Claim 30. The Applicants respectfully submit that Claim 30 is in condition for allowance. Among other reasons, Claims 31-33 are in condition for allowance since these claims depend on an allowable independent Claim 30.

New Claims 36-39

The Examiner has indicated that Claims 21-24 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. The Applicants have rewritten Claims 21-24 in independent form including all the limitations of the base claim and any intervening claims. The allowable subject matter has been presented as new Claims 36-39.

NEW CLAIMS

New Claims 40-42

New Claims 40-42 have been added. Applicants respectfully submit that none of the cited references, either alone or in combination, teaches each and every element that is recited in these claims. Applicants believe that these new claims are allowable because they contain patentable subject matter. Applicants request allowance of these claims.

Application No. 10/654,798
In Response to Office Action Mailed on October 31, 2007
Response Dated: January 31, 2008

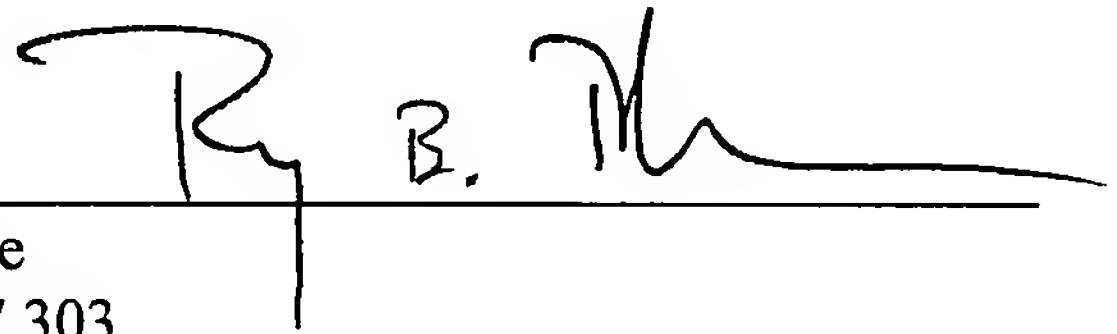
CONCLUSION

Based on at least the foregoing, the Applicants believe that Claims 6-8 and 10-42 are in condition for allowance. A Notice of Allowance is courteously solicited. Should anything remain in order to place the present Application in condition for allowance, or should the Examiner disagree or have any question regarding this submission, the Examiner is kindly invited to contact the undersigned at (312) 775-8246.

The Commissioner is hereby authorized to charge any additional fees or credit any overpayment to the Deposit Account of McAndrews, Held & Malloy, Ltd., Account No. 13-0017.

Dated: January 31, 2008

Respectfully submitted,

A handwritten signature in black ink, appearing to read "R. B. Rhee", is written over a horizontal line.

Roy B. Rhee
Reg. No. 57,303

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